REMARKS

Preliminary Notes

We respectfully request that, if the Examiner deems that we have not adequately responded to any portion of the Office Action, to any claim rejection, or to any document citation, we respectfully request the Examiner treat that as inadvertent, and allow an appropriate remedy.

These remarks with respect to cited documents and claims should be clear. However, by these remarks, and by any amendments, we make no admission that facts and law adequately support any rejections made by the Office Action.

The Cited Art

As noted above, the pending Office Action cites **Sako** against each and every pending claim. More specifically, the Advisory Action asserts that **Sako** discloses "the portion of the digital content that is not encrypted being required for locating or seeking to a selected position in the media stream" at **Sako** ¶¶ [0034], [0039], and [0059]. The Advisory Action also asserts that the recited text of claims 16 and 26 are also disclosed by **Sako**, as described in the Office Action. Advisory Action p. 2. We respectfully disagree.

Sako shows only a system in which movie data is divided into encrypted portions (the "content data") and unencrypted portions (the "plain data"), the unen-

crypted portions being used to maintain information for decrypting the encrypted portions. Specifically, the "plain data" includes audiovisual information upon which a watermark has been impressed, the watermark being usable as a key for decrypting the "content data". The plain data is placed either before or after the content data. **Sako** ¶ [0011], figures 8A, 8B, and 8C. This has the effect that the viewer is forced to view the unencrypted portions (e.g., commercials or copyright notices). **Sako** ¶ [0005]-[0008].

The Office Action cites particularly **Sako** ¶ [0034], which states:

> reading plain data from the record medium on which content data composed of data of a content for which an encrypting process has been performed and the plain data have been recorded, the plain data being placed at a position that allows the plain data to be read before the data of the content, at least information used for performing a decryption for the data of the content for which the encrypting process has been performed;

We read **Sako** ¶ [0034] to mean nothing more than: (a) a medium includes both encrypted content data and unencrypted plain data; (b) plain data is read from the medium; (c) the plain data is readable before the content data; and (d) the plain data includes information to decrypt the content data. However, we encourage the Examiner to make his own determination of whether **Sako** ¶ [0034], or the rest of **Sako**, shows more. In the context of the pending claims, we think not.

Sako does not show or suggest that the unencrypted portions of the digital content are necessary and sufficient for conducting navigation operations, without decryption, on the encrypted portion of the digital content. Navigation operations might include rewind, fast forward, moving to a selected location within the digital content, or pausing or halting presentation. See, e.g., Published Application ¶¶ [0089]-[0093], [0114]-[0116]. **Sako** does not show or suggest any method by which navigation

operations can be conducted within the encrypted digital content without decrypting it. While the "plain data" in **Sako** is required for viewing the "content data", **Sako** does not show or suggest any method by which the content data can be viewed without decryption, nor does **Sako** show any information both necessary and sufficient for navigation operations without decryption.

Moreover, **Sako** teaches against any method by which the content data can be viewed without decryption. **Sako** takes pains to require that the viewer sit through the plain data before being able to view the content data. **Sako** is devoid of any suggestion that the content data might be manipulated in any way (other than copying or transmission) without decryption; **Sako** is careful to ensure both (a) that decryption is necessary, and (b) that decryption requires viewing the plain data. Accordingly, the claimed subject matter would not have been obvious in view of a combination of **Sako** with any other document of record.

We discuss other aspects of **Sako** in remarks on the rejections in which they feature.

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Rejected Claims

Claim 1

This claim recites in part:

> the portion of the digital content that is not encrypted being necessary
> and sufficient for conducting navigation operations on, without decrypt-
> ing, the media stream represented by the digital content.

As noted above, **Sako** does not show or suggest, and actually teaches against, this recited text.

As no cited document, alone or in combination, shows or suggests the recited claim text, this claim is allowable.

Claims 2-3, 5, 7 and 12-15

These claims depend from claim 1. Accordingly, they are also allowable for similar reasons as that claim.

Claim 4

This claim recites in part:

> wherein an amount of audio or video data not encrypted is less than a
> block size for that block-substitution cipher

Office Action p. 3 asserts that this recited text is shown at **Sako** ¶¶ [0119]-[0121].[1] We respectfully disagree.

Sako ¶¶ [0118]-[0120] and figures 8A, 8B, and 8C, show a "watermark (key)" occupying all (or less than all) of a plain data portion A31, A41, or A51. **Sako** does not show a block size for its block-substitution cipher which is larger than the size of its key. Accordingly, **Sako** shows that the amount of unencrypted audio or video is equal or larger than the block size for its block-substitution cipher.

The claim recites that the amount of unencrypted audio or video is less than a block size for a block-substitution cipher. Accordingly, **Sako** does not show or suggest, and actually teaches against, this recited text.

As no cited document, alone or in combination, shows or suggests the recited claim text, this claim is allowable.

This claim depends from claim 1. Accordingly, it is also allowable for similar reasons as that claim.

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[1] We assume in all such references that the Office Action intended to refer to **Sako** ¶¶ [0118]-[0120] & figures 8A, 8B, and 8C.

Claim 6

This claim recites in part:

> wherein said steps of encrypting include steps of refraining from encrypting formatting data

Office Action p. 4 asserts that this recited text is shown at **Sako** ¶ [0011]. We respectfully disagree.

Sako shows that the entire "plain data" is unencrypted and the entire "content data" is encrypted. **Sako** does not show or suggest steps of encrypting its content data that themselves include steps of refraining from encrypting anything. Accordingly, **Sako** does not show or suggest, and actually teaches against, this recited text.

As no cited document, alone or in combination, shows or suggests the recited claim text, this claim is allowable.

This claim depends from claim 1. Accordingly, it is also allowable for similar reasons as that claim.

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Claim 8

This claim recites in part:

> the step of encrypting is applied only to that portion of the digital content representing audio and video information

Office Action p. 4 asserts that this recited text is shown at **Sako** ¶ [0119]-[0121]. We respectfully disagree.

Sako ¶¶ [0118]-[0120] and figures 8A, 8B, and 8C, show that the entire "plain data" is unencrypted and the entire "content data" is encrypted. **Sako** does not show or suggest that the steps of encrypting its content data are applied only to audio and video information; they are applied to everything in the content data, including audio/video, formatting data, and metadata. Accordingly, **Sako** does not show or suggest, and actually teaches against, this recited text.

As no cited document, alone or in combination, shows or suggests the recited claim text, this claim is allowable.

This claim depends from claim 1. Accordingly, it is also allowable for similar reasons as that claim.

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Claim 9

This claim recites in part:

> the step of encrypting is applied only to that portion of the digital content representing audio and video information

As noted above with respect to claim 8, **Sako** does not show or suggest, and actually teaches against, this recited text. Accordingly, this claim is allowable for reasons similar to claim 8.

This claim depends from claim 1. Accordingly, it is also allowable for similar reasons as that claim.

Claim 10

This claim recites in part:

> the step of encrypting is not applied to that portion of the digital content representing other than audio and video information

As noted above with respect to claims 8-9, **Sako** does not show or suggest, and actually teaches against, this recited text. Accordingly, this claim is allowable for reasons similar to those claims.

This claim depends from claim 1. Accordingly, it is also allowable for similar reasons as that claim.

Claim 11

This claim recites in part:

> wherein the media stream includes at least one of: still media, an illustration

Office Action p. 5 asserts that **Sako** shows "at least one of ... a movie, an illustration, a database", at ¶¶ [0054]-[0055]. We respectfully disagree.

Sako ¶¶ [0054]-[0055] does not show or suggest either still media or an illustration. At most, **Sako** ¶¶ [0054]-[0055] shows a file of movies, which we disagree is a "database". However, this claim no longer recites that the media stream can include a database.

As **Sako** does not show or suggest this recited text, this claim is allowable.

This claim depends from claim 1. Accordingly, it is also allowable for similar reasons as that claim.

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Claim 16

This claim recites in part:

> wherein the decryptor is protected by a relatively-higher degree of security than the decoder

Office Action p. 6 asserts that this recited text is shown at **Sako** ¶¶ [0054]-[0055]. We respectfully disagree.

Sako ¶¶ [0054]-[0055] shows only that the content data is protected by encryption, the key for that encryption being a watermark maintained in the plain data. **Sako** does not show or suggest a separate decoder and decryptor, nor does **Sako** show or suggest that the decoder and decryptor have differing degrees of security. Instead, **Sako** shows only that the content data and plain data have differing degrees of security. Security of data does not, without more, show security of system elements.

As **Sako** does not show or suggest this recited text, this claim is allowable.

Claims 17-18 and 24-25

These claims depend from claim 16. Accordingly, they are also allowable for similar reasons as that claim.

Claim 19

This claim recites in part:

> the decoder is included in a first selected set of hardware or software, the first selected set being trusted; and
> the decryptor and the key are included in a second selected set of hardware or software, the second selected set being relatively more trusted than the first selected set.

Office Action p. 6 asserts that this recited text is shown at **Sako** ¶¶ [0034]. We respectfully disagree.

As noted above, **Sako** ¶¶ [0034] shows only a medium with particular types of plain data and content data. **Sako** does not show or suggest any "trusted" hardware or software. **Sako** does not show or suggest any "relatively more trusted" hardware or software. Instead, **Sako** shows only that the content data and plain data have differing degrees of security. Security of data does not show security of system elements.

As **Sako** does not show or suggest this recited text, this claim is allowable.

This claim depends from claim 16. Accordingly, it is also allowable for similar reasons as that claim.

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Claim 20

This claim recites in part:

> wherein the decoder is responsive to the formatting information to present at least some metadata about one or more encrypted media streams without the decoder having access to the presentation information.

Office Action pp. 6-7 assert that this recited text is shown at **Sako** ¶¶ [0119]-[0121]. We respectfully disagree.

The decoder of claim 19 (the parent claim for this claim) and the decryptor of claim 19 are recited to be in first and second selected hardware or software. The key of claim 19 is recited to be in the second selected hardware or software, i.e., with the decryptor, not the decoder.

The decoder of this claim is "responsive to the formatting information to present at least some metadata [1] about one or more encrypted media streams [2] without the decoder having access to the presentation information". **Sako** does not show or suggest any element that is both able to (1) present information about encrypted media streams and (2) does not have access to the presentation information. Instead, **Sako** shows a system that can present information about **un**encrypted media streams without an encryption key, and can present information about encrypted media streams only with an encryption key (therefore having access to the presentation information). Accordingly, **Sako** teaches against having a system element which can do both.

As **Sako** does not show or suggest, and actually teaches against, this recited text, this claim is allowable.

This claim depends from claim 19. Accordingly, it is also allowable for similar reasons as that claim.

Claim 21

This claim recites in part:

> wherein the decoder is responsive to the formatting information to provide at least one of the following functions without the decoder having access to the presentation information

Office Action pp. 6-7 assert that this recited text is shown at **Sako** ¶¶ [0119]-[0121]. We respectfully disagree.

The Examiner is requested to take notice that the decoder is "responsive to the formatting information to [1] provide at least one of the following functions [2] without the decoder having access to the presentation information". **Sako** does not show or suggest any element that is both able to (1) provide the recited functions and (2) does not have access to the presentation information. Instead, **Sako** shows a system that can provide those functions about the plain data (therefore having access to the presentation information), and can present information about the content data only with an encryption key (therefore having access to the presentation information). Accordingly, **Sako** teaches against having a system element which can do both.

As **Sako** does not show or suggest, and actually teaches against, this recited text, this claim is allowable.

This claim depends from claim 16. Accordingly, it is also allowable for similar reasons as that claim.

Claim 22

This claim recites in part:

> wherein the digital content represents a media stream including at least one of: still media, an illustration

Office Action p. 7 makes the following rejection:

> As per claim 22-24, Sako discloses apparatus wherein the digital content represents a media stream including at least one of Apparatus as in claim 16, wherein the relatively-higher degree of security includes tamper-resistant hardware operating under control of verified software.

We do not understand this rejection. We respectfully request the Examiner clarify it, and we respectfully request that no future Office Action be made final until Applicants and their Assignees have had an opportunity to respond to the clarified rejection. 37 C.F.R. § 1.104(c)(2); MANUAL OF PATENT EXAMINING PROCEDURE § 707.

This claim is allowable for reasons similar to claim 11.

This claim depends from claim 16. Accordingly, it is also allowable for similar reasons as that claim.

Claim 23

This claim recites in part:

> wherein the relatively-higher degree of security includes tamper-resistant hardware operating under control of verified software

Office Action p. 7 makes the following rejection:

> As per claim 22-24, Sako discloses apparatus wherein the digital content represents a media stream including at least one of Apparatus as in claim 16, wherein the relatively-higher degree of security includes tamper-resistant hardware operating under control of verified software.

We do not understand this rejection. We respectfully request the Examiner clarify it, and we respectfully request that no future Office Action be made final until Applicants and their Assignees have had an opportunity to respond to the clarified rejection. 37 C.F.R. § 1.104(c)(2); MANUAL OF PATENT EXAMINING PROCEDURE § 707.

Sako does not show or suggest tamper-resistant hardware operating under control of verified software. Accordingly, this claim is allowable.

This claim depends from claim 16. Accordingly, it is also allowable for similar reasons as that claim.

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Claim 26

This claim recites in part:

> wherein the unencrypted portion of that digital content is substantially closed in a direction under that partial ordering, whereby it is possible to navigate the encrypted portion of that digital content without having to decrypt it

Sako does not show or suggest navigating encrypted digital content without having to decrypt it. Accordingly, this claim is allowable.

New Claims

Claim 27

This claim recites in part:

> wherein those navigation operations include at least one of: a rewind operation, a fast forward operation, a movement operation to a selected location within the digital content, a pause operation, a halt operation

As noted above, **Sako** does not show or suggest, and actually teaches against, conducting navigation operations on, without decrypting, the media stream represented by the digital content. This claim recites particular navigation operations. The Examiner is requested to take notice that, under the doctrine of claim differentiation, while this claim recites particular navigation operations, claim 1 is not so limited.

As no cited document, alone or in combination, shows or suggests the recited claim text, this claim is allowable.

This claim also depends from claim 1. Accordingly, it is also allowable for similar reasons as that claim.

Claims 28 and 31

These claims depend from claim 1. Accordingly, they are also allowable for similar reasons as that claim.

Claim 29

This claim recites in part:

> encrypting substantially all of that digital content using second steps of encryption, those second steps of encryption being relatively less secure than those steps of encrypting a portion of that digital content

Sako does not show or suggest, and actually teaches against, a second layer of encryption being performed. **Sako** also does not show or suggest, and actually teaches against, multiple layers of encryption, one of which is relatively less secure than another.

As no cited document, alone or in combination, shows or suggests the recited claim text, this claim is allowable.

This claim also depends from claim 1. Accordingly, it is also allowable for similar reasons as that claim.

<u>Claim 30</u>

This claim recites in part:

> encrypting only packet payloads when the digital content format is one of the group: an MPEG encoding, a variant of an MPEG encoding

Sako does not show or suggest, and actually teaches against, encrypting only packet payloads.

As no cited document, alone or in combination, shows or suggests the recited claim text, this claim is allowable.

This claim also depends from claim 1. Accordingly, it is also allowable for similar reasons as that claim.

<u>Claim 32</u>

This claim recites in part:

> importing a media stream in a first digital content format, that first digital content format having at least a portion of that media stream encoded in a digital content format, at least a portion of that digital content format being encrypted;
> wherein those steps of encrypting a portion of that digital content include steps of decrypting only a portion of that digital content

Sako does not show or suggest encrypting a portion of digital content including decrypting only a portion of that digital content.

As no cited document, alone or in combination, shows or suggests the recited claim text, this claim is allowable.

This claim also depends from claim 1. Accordingly, it is also allowable for similar reasons as that claim.

Claim 33

This claim recites in part:

> wherein those steps of decrypting only a portion of that digital content include steps of decrypting only formatting information within that digital content

Sako does not show or suggest encrypting a portion of digital content including decrypting only formatting information within that digital content.

As no cited document, alone or in combination, shows or suggests the recited claim text, this claim is allowable.

This claim also depends from claims 1 and 32. Accordingly, it is also allowable for similar reasons as those claims.

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Claim 34

This claim recites in part:

> wherein those steps of not decrypting a portion of that digital content include steps of not decrypting metadata

Sako does not show or suggest not decrypting a portion of digital content including not decrypting metadata.

As no cited document, alone or in combination, shows or suggests the recited claim text, this claim is allowable.

This claim also depends from claims 1 and 32. Accordingly, it is also allowable for similar reasons as those claims.

Claim 35

This claim recites in part:

> wherein those steps of not decrypting a portion of that digital content include steps of not decrypting data necessary and sufficient for browsing or searching within a library of files

Sako does not show or suggest not decrypting a portion of digital content including not decrypting data necessary and sufficient for browsing or searching within a library of files.

As no cited document, alone or in combination, shows or suggests the recited claim text, this claim is allowable.

This claim also depends from claim 1. Accordingly, it is also allowable for similar reasons as that claim.

Claim 36

This claim is allowable for reasons similar to claim 29.

Claim 37

This claim is allowable for reasons similar to claim 28.

Claim 38

This claim is allowable for reasons similar to claim 27.

Claim 39

This claim is allowable for reasons similar to claim 30.

Claim 40

This claim is allowable for reasons similar to claim 1.

Claim 41

This claim is allowable for reasons similar to claim 4.

Claim 42

This claim is allowable for reasons similar to claim 6.

Claim 43

This claim is allowable for reasons similar to claim 11.

Claim 44

This claim is allowable for reasons similar to claim 12.

Claim 45

This claim is allowable for reasons similar to claim 13.

Claim 46

This claim is allowable for reasons similar to claim 14.

Claim 47

This claim is allowable for reasons similar to claim 15.

Claim 48

This claim is allowable for reasons similar to claim 26.

Claim 49

This claim is allowable for reasons similar to claim 26 and claim 29.

Claim 50

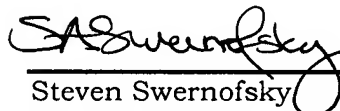This claim is allowable for reasons similar to claim 26 and claim 30.

CONCLUSION

As described above, all claims should be allowable in their present form. Reconsideration and withdrawal of all rejections, and early allowance, are respectfully requested.

Applicant's attorney can be reached at (650) 947-0700 *306, or by email at steven@swernofsky.com. The Examiner is encouraged to contact Applicant's attor-

ney if there are any questions, or if this application can be advanced to issuance in

any way.

Respectfully submitted,

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